

#3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PETITION FOR FILING UNDER 37 C.F.R. § 1.47(a)
IN RESPONSE TO THE NOTIFICATION OF MISSING REQUIREMENTS

APPLICANTS: Hans STRANDBERG, et al. CONFIRMATION NO. 5101
 SERIAL NO.: 10/520,753 GROUP ART UNIT:
 FILED: January 10, 2005 EXAMINER:
 TITLE: **"MEDICAL SYSTEM WITH A MULTI-DOT ELECTRODE,
 WHERE THE SUB-SIGNALS ARE COMBINED INTO A
 SYNTHETIC REFERENCE"**

RECEIVED

MAIL STOP PETITIONS

Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

18 JAN 2006

Legal Staff
 International Division

S I R:

In response to the Notification of Missing Requirements mailed June 27, 2005 (copy attached), Applicants herewith submit a Declaration signed by one of the inventors, Hans Strandberg, and request that the application be permitted to be prosecuted without the signature of the other inventor, Ulf Lindegren, who refuses to sign the application.

This Petition is supported by the Declaration of Christina Barkstedt and the Declaration of Elisabeth Stark, which set forth the pertinent facts showing that the application Declaration, with a complete copy of the application attached thereto was sent to the last known address of Mr. Lindegren, as indicated on the application Declaration itself attached hereto. As attachments to those Declarations are responses from Mr. Lindegren providing evidence of his refusal to sign the

Repln. Ref: 02/03/2006 CSMQOT 0014575900
 DAH: 501519
 FC: 9264
 Declaration: 10520753
 \$130.00 CR

02/03/2006 CSMQOT 00000001 501519 10520753
 001 FC: 9264 00000001 20060301 501519 10520753

This Petition is accompanied by a check in the amount of \$130.00 for the requisite fee for responding to the Notification of Missing Requirements, as well as

10/05/2005 ATRANI 00000121 10520753

03 FC:1464

130.00 DP

check for the requisite for proceeding under 37 C.F.R. §1.47(a) in the amount of \$130.00, as well as a check for the fee for a one month extension of time in the amount of \$120.00. Applicants herewith request a one month extension of time for responding to the Notification of Missing Requirements, so that the period for responding thereto is extended from August 27, 2005 to September 27, 2005.

Granting of the present Petition is respectfully requested.

Submitted by

Steven H. Noll

(Reg. 28,982)

Schiff, Hardin LLP, **CUSTOMER NO. 26574**

Patent Department, 6600 Sears Tower

233 South Wacker Drive, Chicago, Illinois 60606

Telephone: 312/258-5790

Attorneys for Applicants.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on

Sept. 26, 2005.

Steven H. Noll

STEVEN H. NOLL

CH1\ 4336596.1

10/05/2005 ATKAN1 00000121 10520753

01 FC:1617
02 FC:1251

130.00 OP
120.00 OP



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/520,753	Hans Strandberg	P05,0014

INTERNATIONAL APPLICATION NO.

PCT/SE03/00403

I.A. FILING DATE	PRIORITY DATE
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03/11/2003

07/10/2002

26574

SCHIFF HARDIN, LLP
 PATENT DEPARTMENT
 6600 SEARS TOWER
 CHICAGO, IL 60606-6473

RECEIVED

JUL 15 2005

SCHIFF HARDIN LLP
 U.S. PATENT DEPT.

CONFIRMATION NO. 5101

371 FORMALITIES LETTER



OC000000016385869

Date Mailed: 06/27/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/10/2005
- Copy of the International Search Report filed on 01/10/2005
- Copy of IPE Report filed on 01/10/2005
- Oath or Declaration filed on 01/10/2005
- Request for Immediate Examination filed on 01/10/2005
- U.S. Basic National Fees filed on 01/10/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/520,753	PCT/SE03/00403	P05,0014

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION OF CHRISTINA BARKSTEDT

APPLICANTS: Hans STRANDBERG, et al. CONFIRMATION NO. 5101
SERIAL NO.: 10/520,753 GROUP ART UNIT:
FILED: January 10, 2005 EXAMINER:
TITLE: "MEDICAL SYSTEM WITH A MULTI-DOT ELECTRODE,
WHERE THE SUB-SIGNALS ARE COMBINED INTO A
SYNTHETIC REFERENCE"

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

I, CHRISTINA BARKSTEDT, declare and state as follows:

1. I am employed as a patent administrator in the Patent Department of St. Jude Medical AB, Järfälla, Sweden.
2. On July 18, 2005, I transmitted a complete copy of the above-referenced application (Specification, Claims, Drawings) together with a Declaration for signature by Ulf Lindegren, to Mr. Lindegren at his last known address, Essingneringen 72D, 112 64 Stockholm, Sweden. A copy of my cover letter to Mr. Lindegren dated July 18, 2005 and an English translation thereof are attached hereto as Attachment A.
3. I thereafter took my vacation time, and upon return from my vacation I had a telephone conversation with Ulf Lindegren on August 15, 2005, wherein I asked him if he had received the signed documents that I had sent to him on July 18, 2005. Mr. Lindegren had stated to me that he had received the documents and sent his response to my letter back to the St. Jude Medical AB Patent Department, and

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he stated to me that he did not intend to sign the documents and that his handwritten note on the returned documents was self-explanatory as to the reason why he would not sign the documents. I told Mr. Lindegren I would look for his letter.

4. Immediately thereafter, I asked my colleague, Elizabeth Stark, another patent administrator in the St. Jude Medical AB Patent Department whether she had received the documents returned by Mr. Lindegren with his note, and she informed me that these documents had been received at the St. Jude Medical AB Patent Department.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: Sept. 26, 2005

Christina Barkstedt
Christina Barkstedt

CH11 4338820.1

St. Jude Medical AB
Patent Department
SE-175 84 Järfälla, Sweden
Office address:
Veddestavägen 19, Järfälla, Sweden
Org. No. 556492-2291
Tph: +46-8-474 40 94
Fax: +46-8-761 29 05

Ulf Lindegren
Essingeren 72D
112 64 Stockholm

Name: Christina Barkstedt
Our ref: A02P2014 PUS
Date: 2005-07-18

TRANSLATION OF REFERENCE A02P2014us03

RE: Patent application "Medical system with a multi-dot electrode, where the sub-signals are combined into a synthetic reference"
Our ref.: A02P2014 PUS

The above-mentioned international patent application will be filed as an American patent application. For this purpose a power- of-attorney and declaration from the inventor is needed.

I would therefore be grateful if you would sign and return the enclosed documents in the enclosed, pre-paid envelope by return mail.

Please note that the date must be written as per US-custom, i.e., the month written out (ex July 19, 2005).

Yours sincerely and thank you in advance.

St. Jude Medical AB
Patent Department

Christina Barkstedt

Encl. Power-of-attorney + self-addressed envelope.



ST. JUDE MEDICAL

St. Jude Medical AB
Patent Department
SE-175 84 Järfälla, Sweden
Office address:
Veddestavägen 19, Järfälla, Sweden
Org. No. 556492-2291
Tph: +46-8-474 40 94
Fax: +46-8-761 29 05

Name: Christina Barkstedt
Our ref: A02P2014 PUS
Date: 2005-07-18

Ulf Lindegren
Essingeringen 72D
112 64 Stockholm

Betr.: Patentansökan "Medical system with a multi-dot electrode, where the sub-signals are combined into a synthetic reference"
Vår ref.: A02P2014 PUS

Ovannämnda internationella patentansökan har lämnats in som amerikansk patentansökan. För detta ändamål krävs en fullmakt och överlåtelsehandling från uppfinnaren.

Jag vore därför tacksam om Du ville underteckna och returnera bifogade handlingar i medföljande, förfrankerade svarskuvert med vändande post.

V.v. notera att datum måste skrivas på US-manér, dvs månaden skriven med bokstäver (ex: July. 18, 2005).

Med vänliga hälsningar och tack på förhand.

St. Jude Medical AB
Patentavdelningen


Christina Barkstedt

Bil.: Fullmakt + svarskuvert.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION OF ELISABETH STARK

APPLICANTS: Hans STRANDBERG, et al. CONFIRMATION NO. 5101
SERIAL NO.: 10/520,753 GROUP ART UNIT:
FILED: January 10, 2005 EXAMINER:
TITLE: "MEDICAL SYSTEM WITH A MULTI-DOT ELECTRODE,
WHERE THE SUB-SIGNALS ARE COMBINED INTO A
SYNTHETIC REFERENCE"

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

1. ELISABETH STARK, declare and state as follows:

1. I am employed as a patent administrator in the Patent Department of St. Jude Medical AB, Järfälla, Sweden.

2. In response to the letter and documents sent to Mr. Ulf Lindegren dated July 18, 2005, sent to him by my colleague, Christina Barkstedt, another patent administrator in the St. Jude Medical AB Patent Department, I received that letter and the documents back from Mr. Lindegren at the St. Jude Medical AB Patent Department with a handwritten note by Mr. Lindegren on the letter. A copy of the returned cover letter with Mr. Lindegren's handwritten note thereon, and a translation thereof, are attached hereto as Attachment A.

3. On August 16, 2005, I sent Mr. Lindegren another letter, dated August 16, 2005, to his last known address at Essignerengen 72D, 112 64 Stockholm, Sweden, again re-sending the application Declaration and a complete copy of the application (Specification, Claims, Drawings) and again requesting that

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he sign the Declaration and return it to me. A copy of the cover letter re-sending the documents to Mr. Lindegren on August 16, 2005, and a translation thereof, are attached hereto as Attachment B.

4. On August 17, 2005, I received an email from Mr. Lindegren confirming his previous statements regarding compensation, which I interpreted as a refusal on the part of Mr. Lindegren to sign the Declaration. No signed Declaration was ever returned by Mr. Lindegren. A copy of the email from Mr. Lindegren dated August 17, 2005, and a translation thereof, are attached hereto as Attachment C.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: Sept. 26, 2005


Elisabeth Stark

CH11 4336656,1

EXHIBIT A

Translation of the handwritten note on letter dated July 18, 2005

My fee is 10.000 SEK/Patent.

Please send a confirmation of this.

Regards,
Ulf Lindgren

EXHIBIT A

St. Jude Medical AB
Patent Department
SE-175 84 Järfälla, Sweden
Office address:
Veddestavägen 19, Järfälla, Sweden
Org. No. 556492-2291
Tph: +46-8-474 40 94
Fax: +46-8-761 29 05

Ulf Lindegren
Essingeringen 72D
112 64 Stockholm

Name: Christina Barkstedt
Our ref: A02P2014 PUS
Date: 2005-07-18

Mitt arvide är

10000 SEK/Patent

Vänligen skicka en
beträffelse på detta
mvh / Ulf Lindegren

Betr.: Patentansökan "Medical system with a multi-dot electrode, where the sub-signals are combined into a synthetic reference"
Vår ref.: A02P2014 PUS

Ovannämnda internationella patentansökan har lämnats in som amerikansk patentansökan. För detta ändamål krävs en fullmakt och överlåtelsehandling från uppfinnaren.

Jag vore därför tacksam om Du ville underteckna och returnera bifogade handlingar i medföljande, förfrankerade svarskuvert med vändande post.

V.v. notera att datum måste skrivas på US-manér, dvs månaden skriven med bokstäver (ex: July. 18, 2005).

Med vänliga hälsningar och tack på förhand.

St. Jude Medical AB
Patentavdelningen


Christina Barkstedt

Bil.: Fullmakt + svarskuvert.

EXHIBIT B

St. Jude Medical AB
Patent Department
SE-175 84 Järfälla, Sweden
Office address:
Veddestavägen 19, Järfälla, Sweden
Org. No. 556492-2291
Tph: +46-8-474 41 14
Fax: +46-8-761 29 05
Name: Elisabeth Stark
Our ref: A02 P 2014 PUS
Date: 2005-08-16

Ulf Lindegren
Essingeringen 72 D
112 64 STOCKHOLM

TRANSLATION OF REFERENCE A02P2014us04

RE: American patent application "Medical system with a multi-dot electorde,
where the sub-signals are combined into a synthetic reference"
Our Ref: A02 P 2014 PUS

Hello Ulf,

It was a long time since we last spoke – it's too bad that we don't receive a visit from the happy-go-lucky Ulf now and then at the Patent Department! I hope that all is well with you and that you are enjoying this nice summer.

I spoke with Christina today regarding the the originals (declaration and power-of-attorney) that she sent you July 18 in the above case – she has just come back from vacation and the originals you returned were with me.

The compensation that Martin and I calculated for you last spring included any eventual pending patents and any yearly compensation etc – so to be sure that you would receive the compensation you would have received if you had worked until your pension. The point was that you were not to experience any economical losses in the patent area, as we at the Patent Department do not consider ourselves involved in the pending conflict (with the employer).

Because of this reason, I hope that you keep us out of this conflict and please sign the originals, which I presume you would have if the situation had been different.

I am sending the originals again and hope that you will return them – if possible – this week (enclosed is a self-addressed stamped envelope).

Best summer greetings,



Elisabeth Stark

EXHIBIT B

St. Jude Medical AB
Patent Department
SE-175 84 Järfälla, Sweden
Office address:
Veddestavägen 19, Järfälla, Sweden
Org. No. 556492-2291
Tph: +46-8-474 41 14
Fax: +46-8-761 29 05

Ulf Lindegren
Essingeringen 72 D
112 64 STOCKHOLM

Name: Elisabeth Stark
Our ref: A02 P 2014 PUS
Date: 2005-08-16

Betr.: Amerikansk patentansökan med titeln "Medical system with a multi-dot electorde, where the sub-signals are combined into a synthetic reference"
Vår ref.: A02 P 2014 PUS

Hej Ulf,

Det var länge sedan – tråkigt att inte då och då få besök av en gladlynt Ulf som tittar in på Patentavdelningen! Jag hoppas allt är bra med dig och att du fått njuta av den fina sommaren.

Talade med Christina idag beträffande de original hon skickade Dig 18 juli i ovannämnda ärende – hon har just kommit tillbaka från semestern och originalen du returnerat låg hos mig.

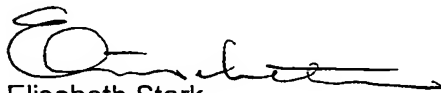
Den ersättning som Martin och jag sammanställde för din räkning i våras avsåg eventuella blivande patent, årliga ersättningar av olika slag mm mm – just för att säkerställa att du får den ersättning du skulle fått om du hade jobbat kvar till pension. Meningen är ju inte att du skall behöva göra någon ekonomisk förlust på patentområdet i alla fall, då vi på Patentavdelningen inte anser oss inblandade i den pågående konflikten.

Av just den anledningen hoppas jag också att du håller oss utanför den konflikten och är snäll och sätter en kråka på eventuella original, vilket jag förmodar du också skulle ha gjort om situationen varit en annan.

Skickar originalen på nytt och hoppas på retur med vändande post - om möjligt - redan denna vecka (bifogar frankerat kuvert).

Bästa sommarhälsningar




Elisabeth Stark

Translation of e-mail correspondence – August 17, 2005

Stark, Elisabeth
Sendt: August 17, 2005
To: Wenden, Katarina
Subject: FW: compensation for a patent

FOR INFO (Ulf's answer to the letter):

From: Ulf Lindegren (mail ulflindegren@hotmail.com)
Sent: August 17 2005 12:03
To: Stark, Elisabeth
Cc: Obel, Martin
Subject: compensation for a patent

Hello Elisabeth,

I am grateful for the monetary compilation that you did, believe me. No compensation for any patents was paid, unfortunately.

After a much unpleasant meeting from the company, I see no other way than to say thank you from me and leave. If you only knew how unpleasant they can be, you would be shocked.

I must therefore received a compensation that I think the patent is worth. I know I wrote 10.000 SEK for compensation. But that was a hasty decision and I must receive a much higher compensation, that both covers the work and the worth of the patent. If there is an interest from SJM's side then we can begin to discuss a sum.

Regards,

Uffe

Stark, Elisabeth

From: Stark, Elisabeth
Sent: den 17 augusti 2005 13:15
To: Wendin, Katarina
Subject: FW: ersättning för patent

FÖR INFO (Ulfs svar på brevet):

From: Ulf Lindegren [mailto:ulflindegren@hotmail.com]
Sent: den 17 augusti 2005 12:03
To: Stark, Elisabeth
Cc: Obel, Martin
Subject: ersättning för patent

Hej Elisabeth,

Den sammanställningen som ni gjorde är jag mycket tacksam för, tro inget annat. Någon ersättning för patent blev det dock inte, dessvärre.

Efter mycket otrevligt bemötande från företaget såg jag ingen annan utväg än att tacka för mig och gå. Om du bara viste hur otrevliga de kan vara skulle du bli chockad.

Jag måste därför ta ut den ersättning som jag tycker att detta patent är värt. Jag vet att jag skrev 10000 SEK i ersättning. Det var dock ett förhastat beslut och jag måste därför ta ut en betydligt högre ersättning, som både täcker arbete och värdet av patentet. Om det från SJM's sida finns intresse för detta kan vi börja diskutera beloppet.

Hälsningar

Uffe